REMARKS/ARGUMENTS

Claims 22-29 were pending in this application. No claims have been amended, added, or canceled. Hence, claims 22-29 remain pending. Reconsideration of the subject application as amended is respectfully requested.

Claims 22-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,014,569 to Bottum, *et al.* (hereinafter "Bottum"), in view of the cited portions of U.S. Patent Application No. 5,661,787 to Pocock (hereinafter "Pocock).

Claims 22-29 were rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1, 4-11, 14-21 of U.S. Patent No. 6,600,918 to Youngs, *et al.* (hereinafter "Youngs") in view of Pocock.

Claim Rejections Under 35 U.S.C. § 103(a)

The Applicants respectfully traverse the rejections of all pending claims since the Office Action has not established a prima facie case of obviousness. Specifically, the cited references do not teach or suggest all the claim limitations, and the cited references, when combined, would not be expected to succeed in producing the Applicants' claimed invention.

Claim 22 includes the limitation "receiving a sequence of keystrokes from at least one wireless handset selecting a media program." The Office Action correctly states that Bottum does not teach this limitation. Pocock, however, also does not teach this limitation. Pocock appears to teach a music ordering system accessible from a user's touch tone telephone. Once ordered, products are delivered to a user's shipping address (col. 5, ll. 18-21). In addition to being unrelated to a service that delivers media to a wireless handset as the Applicants claim, there is no teaching or suggestion of "receiving a sequence of keystrokes from [a] wireless handset." Pocock simply does not teach that the touchtone telephone (ref no. 1030) is a wireless handset.

Moreover, the combination of Bottum with Pocock would not be expected to successfully produce a working embodiment of the Applicant's claimed invention. Bottum teaches a mobile interactive radio, while Pocock teaches a music ordering system. Items ordered

via the invention of Pocock are not delivered in real time; they are delivered to the user's physical address at some later time, which is not the Applicant's claimed invention. Claim 22 is therefore, believed to be allowable, at least for this reason. The remaining claims include similar limitations and are believed to be allowable for similar reasons.

Claims Rejected Under The Judicially Created Doctrine Of Obviousness-Type Double Patenting

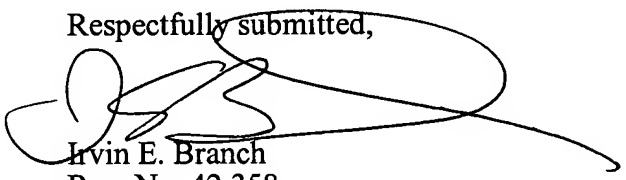
As to the obviousness-type double patenting rejection of claims 22-29, the Applicants respectfully traverse the rejection since the cited references do not teach or suggest all the claim limitations. For example, neither the claims of Youngs nor Pocock teach "receiving a sequence of keystrokes from at least one wireless handset selecting a media program." Hence, the claims do not create a double patenting issue.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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